

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

CONSUMERS' ASSOCIATION,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 5:23-mc-80322 EJD

**ORDER GRANTING MOTION TO
CONSOLIDATE**

Re: ECF No. 27

Before the Court is Apple Inc.'s unopposed motion to consolidate the above-captioned miscellaneous proceeding with another miscellaneous proceeding captioned *In re Qualcomm Inc.*, No. 5:24-mc-80019-EJD (N.D. Cal.) (the "Related Case") into a single action pursuant to Federal Rule of Civil Procedure 42(a)(2). ECF Nos. 27, 31, 33.

"When actions involving a common question of law or fact are pending before the court, it . . . may order all the actions consolidated." Fed. R. Civ. P. 42(a). The "district court has broad discretion under this rule to consolidate cases pending in the same district." *Invs. Rsch. Co. v. U.S. Dist. Ct. for Cent. Dist. of California*, 877 F.2d 777 (9th Cir. 1989). "In determining whether or not to consolidate cases, the Court should 'weigh the interest of judicial convenience against the potential for delay, confusion, and prejudice.'" *Zhu v. UCBH Holdings, Inc.*, 682 F. Supp. 2d 1049, 1052 (N.D. Cal. 2010) (quoting *Sw. Marine, Inc. v. Triple A Mach. Shop, Inc.*, 720 F. Supp. 805, 806-07 (N.D. Cal. 1989)).

Having given due consideration to the relevant filings and any other related proceedings before this Court, and for good cause shown, the Court finds that the two related actions involve a common question of law and fact, consolidation is in the best interest of judicial convenience, and consolidation does not create a potential for delay, confusion, or prejudice.

Therefore, the Motion to Consolidate is **GRANTED**. The Court hereby **ORDERS** as follows:

1. This action and Related Case shall be consolidated pursuant to Fed. R. Civ. P. 42(a) (hereinafter the “Consolidated Action”).

2. All papers to be filed in the Consolidated Action shall be filed under the *Consumers’ Association* case, No. 5:23-mc-80322-EJD, and shall bear the following caption:

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

IN RE: CONSUMER ASSOCIATION
LITIGATION

No. 5:23-cv-80322-EJD
(Consolidated)

3. The case file for the Consolidated Action will be maintained under Master File No. 5:23-mc-80322-EJD.

4. Case No. 5:24-mc-80019-EJD shall be terminated in accordance with the regular procedures of the Clerk of this court, and any pending schedules, deadlines, or dates in the 5:24-mc-80019-EJD case shall be terminated and the case closed.

5. An original of this Order shall be filed by the Clerk in the Master File and in the 5:24-mc-80019-EJD file, and in the file of any case subsequently consolidated herewith.


6. All papers previously filed and served to date in the Related Case is part of the record in 5:23-mc-80322-EJD.

7. Each attorney who has already made an appearance or been admitted pro hac vice in any of the Related Cases shall be deemed admitted in *In re Consumer Association*, Case No. 5:23-mc-80322-EJD.

8. Counsel who has not yet entered an appearance shall file a Notice of Appearance in *In re Consumers’ Association Litigation*, Case No. 5:23-mc-80322-EJD.

IT IS SO ORDERED.

Dated: March 28, 2024


EDWARD J. DAVILA
United States District Judge